

REMARKS/ARGUMENTS

This Amendment is in response to the Office Action of May 10, 2011, in which the Examiner rejected claims 25-37, 50 and 52-54 under 35 USC § 103(a) as being unpatentable over U.S. Patent No. 7,089,208 ("**Levchin**") in view of U.S. Patent No. 6,386,446 ("**Himmel**") and further in view of U.S. Patent No. 6,892,184 ("**Komem**").

By the present Amendment, claim 25 has been amended. No claims have been cancelled or added. Thus, claims 25-37, 50 and 52-54 are pending, with claim 25 being the only independent claim.

Applicants have amended independent claim 25 to emphasize existing claim features, but have not changed the scope or added further features. Thus, the claims only present the claims in better form for appeal or allowance. Furthermore, the additional clarifying language would not require additional searching or other burden on the Examiner, and thus entry is believed proper and is respectfully requested.

In the latest Office Action, the Examiner states disagreement with Applicants' position that in **Komem** (1) exchange rates do not come from the payment mechanism 16, (2) there are not a plurality of handlers each using a different form of monetary value, and (3) there is not a conversion of the different forms of monetary value "according to the handler used for the transfer of funds by querying such handler for an exchange rate to be used for the conversion," as all recited in independent claim 25 (see page 8 of the Examiner's remarks).

In disagreeing with Applicants' position, the Examiner states that the Examiner is rather relying on **Levchin** to teach the concept of a plurality of handlers using different forms of monetary value (citing col. 2, lines 37-44; col. 7, lines 12-15; and col. 16, lines 21-23).

Applicants note that this statement is somewhat contrary to other statements in the Office Action (see, e.g., page 4 of the Remarks, "**Levchin** and **Himmel** do not explicitly teach wherein the handlers each use different forms of monetary value.... **Komem** teaches the concept of a handler using different forms of monetary value....").

Nevertheless, Applicants respectfully submit that neither **Levchin** nor **Komem** teach plural handlers that each use different forms of monetary value, particularly where the handlers include “one of the handlers that is selected by a user for an automatic transfer and one of the handlers that is selected by the user as a default handler,” as recited (and now emphasized) in claim 25.

Applicants point out that, in **Levchin**, the portions of col. 2 and col. 16 cited by the Examiner merely refer to different forms of sources for putting money into its system as “credit card, check, cash, electronic funds transfer, direct deposit, etc” (the additionally cited portions of **Levchin**, at col. 7, do not appear to have any disclosure relevant to this feature). **Levchin** does not disclose a plurality of handlers each using different forms of monetary value, where the handlers include both a handler “selected by a user for an automated transfer” and a handler “selected by the user as a default handler,” and “wherein the different forms of monetary value are converted according to the handler used for the transfer of funds, including the one of the plurality of handlers used for the automated transfer and the one of the plurality of handlers used as the default handler, by querying such handler for an exchange rate to be used for the conversion,” as all recited in claim 25.

As Applicants can best understand, the Examiner appears to rely on **Komem** as to the elements above clearly missing from **Levchin**, namely the conversion of monetary value “according to the handler used for the transfer of funds.” Specifically, the Examiner states that in **Komem**, “[s]ince the conversion is done according to the particular payment mechanism that receives the local currency of the buyer, the conversion is considered to be according to the handler used for the fund transfer” (page 8 of the Remarks).

Applicants do not agree that the payment mechanism in **Komem** is a “handler.” The Examiner relies on col. 2, lines 15-18 for disclosing a plurality of payment mechanisms, such as “Letter of Credit, Swift, ACH and others” to guarantee large amount transfers between business partners. Such payment mechanisms are not handlers as described in the Specification (page 4, lines 3-11). However, even if one were to assume, for purposes of argument, that the

payment mechanism in **Komem** was a handler, **Komem** still does not teach the elements missing from **Levchin**.

Specifically, the payment mechanism 16 in **Komem** *does not provide currency exchange rates*. In Figs. 1, 2, and 3 of **Komem** (particularly Fig. 3, having the most detail), the exchange rates are provided from the point of sale engine 34 to the currency module within the vendor server 38. Clearly, the payment mechanism 16 does not serve the function of the handler, does not provide an exchange rate, and is not queried for an exchange rate, as all required in claim 25 (“wherein the different forms of monetary value are converted *according to the handler* used for the transfer of funds, including the one of the plurality of handlers used for the automated transfer and the one of the plurality of handlers used as the default handler, *by querying such handler for an exchange rate* to be used for the conversion” – emphasis added). This feature is likewise not taught or suggested by the other cited references (**Levchin**, **Himmel** and **DeRoijj**), either individually or if combined.

Applicants also point out that the payment mechanism 16 in **Komem** does not receive “payment in a local currency of the buyer and converts it (the exchange rate conversion being an integral part of the payment mechanism) to the local currency of the vendor,” as argued by the Examiner (page 8 of the Remarks). Rather, “the currency conversion module 36 calculates the price in the local currency of the buyer 14” (col. 8, lines 56-57).

For at least the foregoing reasons, claim 25 is distinguishable over the cited references. Dependent claims 24-37, 50 and 52-54 each recite limitations in addition to those of claims 25, and are allowable over the cited references for at least the same reasons.

CONCLUSION

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested.

Further, the Commissioner is hereby authorized to charge any additional fees or credit any overpayment in connection with this paper to Deposit Account No. 20-1430.

Appl. No. 10/046,654
Amdt. dated July 11, 2011
Reply to Office Action of May 10, 2011

PATENT

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 303-571-4000.

Respectfully submitted,

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